

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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YOUNG ADVOCATES FOR FAIR EDUCATION,:
:

Plaintiff, : 18-cv-04167 (ILG) (JO)

:

- against - :
:

ANDREW CUOMO, in his official capacity, *et al.*, :
:

Defendants. :
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DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY

Defendants Andrew Cuomo, Betty Rosa, and MaryEllen Elia file this Notice of Supplemental Authority to alert the Court to the revised guidelines issued by the New York State Education Department (“SED”) on November 20, 2018, which are relevant to the following *sub judice* motions: (i) Plaintiff’s motion for a preliminary injunction, and (ii) Defendants’ motion to dismiss. A copy of the revised guidelines is attached as Exhibit A.

In both motions, Defendants argue that Plaintiff’s Establishment Clause claim is not ripe for adjudication because any analysis by the Court of YAFFED’s claim must await the issuance and application of SED’s revised guidelines, without which the Court cannot know how SED will interpret and apply the Amendment or what impact, if any, the Amendment will have on yeshivas. (See Dkt No. 34 at Point II.A. and Dkt No. 40 at Point I.B). Although SED has now issued the revised guidelines, Defendants’ lack of ripeness argument is not moot because the revised guidelines still have yet to be applied.

Dated: New York, New York
December 3, 2018

Respectfully Submitted,

BARBARA D. UNDERWOOD
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